

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: Freeman
 Application No.: 10/541,124
 Filed: 03/31/2006
 For: Method and apparatus using optical techniques to measure analyte levels

Group Art Unit: 1797
 Examiner: Edwards, Lydia E.
 Conf. No. 4918

**TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE PATENTING REJECTION
 OVER A PENDING SECOND APPLICATION**

Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Dear Sir:

Pelikan Technologies, Inc., the owner of 100% interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer filed prior to the grant of any patent granted on commonly owned pending second Application No. 10/540,912, filed on 12/15/2003. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the second application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

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I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

2. ☒ The undersigned is an attorney of record.

Respectfully submitted,

GOODWIN PROCTER LLP

Paul Davis, Reg. No. 29,294

Date: 3.9.10

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- ☒ Charge Deposit Account 50-4634 the sum of \$70 for a small entity for the terminal disclaimer fee and for any fee deficiency.
☐ PTO suggested wording for terminal disclaimer was:
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